

Reply under 37 CFR 1.116
Expedited Procedure
Technology Center 2100

Remarks

Claims 1-18 are pending. By this Amendment, claims 6, 9, and 14 have been amended. No new matter is believed added. Reconsideration and allowance are requested in view of the above amendments and the following remarks.

The Title has been amended as suggested by the Examiner to be more indicative of the invention to which the claims are directed.

Claims 6 and 14 have been amended to address the informalities pointed out by the Examiner in section 4 of the above-referenced Final Office Action.

Claims 1, 3-9, and 11-18 are rejected under 35 U.S.C. 102(b) over Stupek et al. (US 5,960,189), hereafter "Stupek." Claims 2 and 10 are rejected under 35 U.S.C. 103(a) over Stupek in view of Gowan et al. ("Y2k Compliance ..."), hereafter "Gowan." These rejections are defective because the references of Stupek and Gowan, taken alone or in combination, fail to teach each and every feature of the claims as required by 35 U.S.C. 102(b) and 103(a).

Regarding independent claim 1, Stupek fails to disclose, *inter alia*, the claimed "searching said database for said prerequisite items and corequisite items corresponding to each of said third maintenance items on said first list, and adding said corresponding prerequisite items and corequisite items to said first list." In support of its rejection, the Office states that col. 4, lines 35-44 of Stupek allegedly disclose this feature of the claimed invention. On the contrary, this portion of Stupek discusses adding entries to the server database 13 for a resource that "is not recognized by the server manager." Col. 4, line 37. This discussion is devoid of any mention of "searching... for said prerequisite items and corequisite items" as in the claimed invention.

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Further, the claimed invention adds "said corresponding prerequisite items and corequisite items to said first list." The Office alleges that Stupek's resource upgrades discloses the claimed first list. However, in the cited portion of Stupek, "the server manager creates entries for the resource in the server database." As shown in FIG. 1 of Stupek, the server database 13 is separate and distinct from the resource upgrades 7.

Still further, Stupek fails to disclose, *inter alia*, the claimed "thereafter determining from said software recording application which items on said first list have already been received." The specification states that "[r]eceived shall be taken to mean stored in a file on the computer system." p. 9, lines 17-18. In support of its rejection, the Office cites a portion of Stupek that compares version numbers between the upgrade package and the corresponding network resource. Applicant respectfully submits that this is unrelated to determining whether an item is currently stored in a file.

Gowan fails to remedy at least these deficiencies of Stupek, and independent claims 9, 17, and 18 include similar features. Accordingly, because the references of Stupek and Gowan, taken alone or in combination, fail to teach each and every feature of the claims as required by 35 U.S.C. 102(b) and 103(a), Applicant again respectfully submits that claims 1-18 are allowable and requests withdrawal of these rejections.

With further respect to claim 9, Applicant has amended the claim to state that the "the first list comprises a list of maintenance items needed to be applied to said computer system." This is in sharp contrast to Stupek's resource upgrades 7, which comprises a general list of all available upgrades. Consequently, Stupek must "analyze[] each network resource 3 currently on the server 1 to determine the availability and necessity of the corresponding upgrade 7." As a result, Applicant again respectfully submits that Stupek fails to disclose each and every feature of the claimed invention, and requests withdrawal of the rejection of claim 9.

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If the Examiner believes that anything further is necessary to place the application in condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,

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